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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,172	07/29/2003	Graeme R. Mann	50335US012	7170

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EXAMINER

ROSENBERGER, RICHARD A

ART UNIT PAPER NUMBER

2877

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,172

Applicant(s)

MANN, GRAEME R.

Examiner

Richard A. Rosenberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26-32, 35-44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (4,811,408).

As in claims 26 and 38, the reference shows a method for recovering an image from a document having an image covered by a laminate (column 3, line 9 specifically notes that the document may be "formed of ... paper laminate"). The method of the reference comprises the step of recovering the image with a image receiver to provide a source image; (see column 4, lines 7-9; the card is "received in the housing 30 for optical sensing of the photographic likeness" on the card); the reference states that the image receiver "may take a variety of different forms as well known in the video and sensing technologies" (column 7, lines 54-56), which at least clearly suggests a "video image receiver". It is well known in the art that such optical sensing will not be possible in complete darkness; therefore it is at least obvious to illuminate the image with a light source in a manner well known in the art.

The image, once received, is compared with at least one stored image (column 8, lines 7-24); the electronics, including the "correlator", is a computer, the reference image is "stored in register 84 of subsequent use by the correlator 86" (column 7,

lines37-38). The device provides an output signal (the signals 88, 90, 92) comprising information about the source image.

As in claims 27, 34, 39, and 46 the image of the reference may comprise a photograph, of a person's face. As for claims 28-32 and 40-44, those in the art can choose an appropriate wavelength of light to sense the image; it is clearly obvious a wavelength under which the image is visible to the sensor, otherwise the sensing would not work.

As in claims 35 and 47, the reference notes the known use of a signature as an identifying indicia (column 1, line 21). The use of any such known indicia, including signatures, for the indicia to be checked by the system of the reference would have been obvious; the method of the reference is not limited to, and would not be recognized in the those in the art familiar with the other types of indicia mentioned by the reference in column 1, lines 20-22, as being limited uniquely to photographs, but rather as applicable to any known indicia which can be presented in image form.

As in claims 36 and 48, providing the output signal to any convenient device would have been obvious; personal computers are so commonly used that official notice of their existence and use can be taken.

As in claims 37 and 49, the reference teaches the device can be an identification card.

3. Claims 33 and 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (US 4,811,408) as applied to claim 26 above, and further in view of Hu et al (US 3,478,658).

It is well known that glare can be reduced through the use of polarized light; Hu, column 5, lines 14-17, is a single example of this well-known technique. The use of this technique in the device of Goldman for this well-known benefit of reduced glare would have been obvious.

4. The remarks filed 20 September 2006 have been considered.

The remarks argue that Goldman “does not address the problem ... [of] recovering an image from a document having an at least partially light transmissive first layer ...” (remarks, sentence bridging pages 2 and 3). However, there is nothing in the independent claims that addresses such and alleged “problem”; the independent claims have merely illuminating such a card, pointing a “video image receiver” at such a card, and feeding the image into a computer. There is nothing in the claim to distinguish “recovering an image” from the broad use of a video image receiver to take a picture of anything and feed that image into a computer. Assuming that there is a “problem” with “recovering an image from a document having an at least partially light transmissive first layer” that the simple well-known and trivially obvious “point a camera at it” does not equally well address, the independent claims simply lack anything that remotely addresses such a problem. In the independent claims, there are no limitations to any particular wavelengths, wavelength ranges, angles of illumination, polarizations, etc. which distinguish over the “point a camera at it” of the prior art, and thus do not “address the problem” that the prior art is alleged to have. There are no claimed details of the comparison that would “address the problem” by, for example, using image

analysis for electronically “recovering an image ...”. In short, the independent claims simple do not, and do not purport to, “address the problem ... [of] recovering an image from a document having an at least partially light transmissive first layer.”

The remarks argue that when the Goldman reference teaches that the card may be a laminate, that the Office should effectively ignore that teaching based upon the speculation (the remarks argue that “it is very likely ...”, which is no more than speculation) that it could be read to mean something other than a laminated structure. This is unreasonable on its face. Further, it is contrary to the instant specification. Applicant did not invent documents with at least partially light transmissive first layers, the instant specification notes that such documents are known in the prior art (specification, page 2, lines 5-6). The Goldman reference teaches using video image receiver to recover the image of a card, and the instant specification teaches that the claimed provided card is a known type of card useful for the type of purposed the cards of concern to the Goldman reference.

Further, the rejection is under 35 USC 103. As at least the independent claims go to no more detail in the image acquisition aspect than the known trivially, blatantly obvious, taught be Goldman technique of “point a camera” at the card, it is at least trivially and blatantly obvious to “point a camera” at the acknowledged-to-be-known laminated cards of the instant independent claims.

The remarks filed 20 September 2006 argue that “Goldman also fails to teach or suggest comparing a source image with at least one predetermined image that is stored

in a computer” (remarks, page 3, lines 13-14). This is blatantly false, and appears to be known to be false. The remarks discuss, in the same paragraph, that there is an “escort memory” which “contains reference data that represents the picture image”. As this image is stored in the “escort memory” prior to the comparison, it is clearly “predetermined”. The remarks then acknowledge that this “predetermined image” is compared with the scanned image (see lines 16-17 and lines 22-23; “Goldman teaches that ‘the system to the present invention involves sensing the picture image indicia to provide pixel test signals *which are compared* with pixel reference signals provided from the escort memory” [emphasis added]; see also page 4, lines 1-4). The data in the escort memory cannot be compared with the picture data until it has been read out into the computer doing the comparison (see Goldman, column 7, lines 37-38, pointed out in the statement of the rejection above and in the previous statement of the rejection, and ignored by the remarks), it is in fact “stored in a computer” at the time the comparison is made. The apparent belief of the remarks that the disclosed comparison can be made without actually obtaining the stored data is unreasonable on its face.

It appears that, contrary to the language of the claims, the remarks appear to pretend that “stored in a computer” can only mean something along the lines of “stored in a computer for long-term archival storage”. Even if the claims did require (which they don’t) that the image data be stored in a computer rather than on the card for long-term archival storage, what is claimed would still be obvious. The cited art requires in order to function that the stored predetermined image data be available, but does not require any particular means of making the image data available; the storage on the card, while a matter of convenience, is not a functional requirement for the verification taught by

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Goldman. Particularly with the growth of computer networks in the years between the Goldman reference and the instant invention, it would have been obvious to make the stored image available in manners other than on the card itself; this would increase security because it would make the stored image data less available to be altered to match the alterations of the image itself, and would reduce the likelihood that the stored data could be lost by the magnetic strip being accidentally erased.

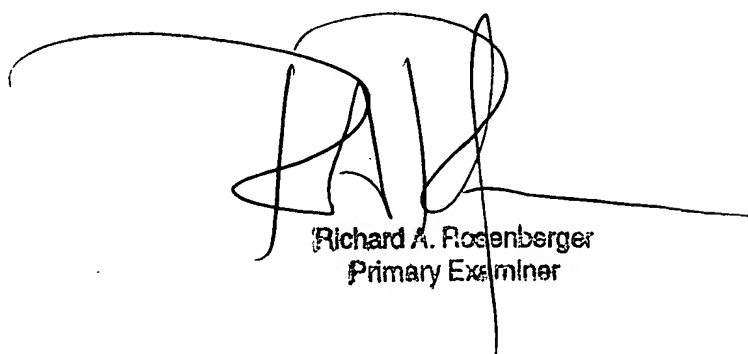
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A Rosenberger whose telephone number is (571) 272-2428. The examiner can normally be reached on Monday through Friday during the hours of 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

R. A. Rosenberger
22 November 2006



Richard A. Rosenberger
Primary Examiner